

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAUGH FACTORY, INC.,

Plaintiff,

- against -

RICHARD BASCIANO, 303 W. 42<sup>nd</sup> STREET REALTY  
COMPANY, 303 W.42<sup>nd</sup> STREET LLC,

Defendants.

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STATE OF NEW YORK        )  
                                  ) ss.:  
COUNTY OF QUEENS        )

Shaun Jackson, being duly sworn, deposes and says: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On March 5, 2008, at approximately 6:40 p.m., at 303 West 42<sup>nd</sup> Street, 7<sup>th</sup> Floor, New York, NY 10036, which upon information and belief is the dwelling place or usual place of abode of Richard Basciano, Deponent served the within Civil Cover Sheet, Summons, Complaint, Individual Rules of Judge Rakoff, Individual Practices of Magistrate Judge Peck, Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction, Consent of Exercise of Jurisdiction, 3rd Amended Instructions for filing an Electronic Case or Appeal, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing, Notice of Court Conference, Notice of Appearance of Brendan O' Rourke and Notice of Appearance of Jennifer de Wolf Paine upon **Richard Basciano**, by delivering to and leaving with "John Doe", who refused to give his name and further stated that he is building security, a true and correct copy of said documents. Said individual was stationed in the lobby of the building.

At the time of said service "John Doe" confirmed that Richard Basciano resides at the aforementioned address. "John Doe" informed deponent that the residence was located on the 7<sup>th</sup> floor and refused to give deponent access to the 7<sup>th</sup> floor.

Deponent also states that on March 6, 2008, Deponent served a copy of the aforementioned documents upon Richard Basciano, by depositing a true and correct copy thereof, enclosed in a securely sealed, fully post paid, First Class Mail Envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed as follows:

Richard Basciano  
303 West 42<sup>nd</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10036

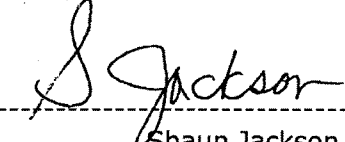
Deponent further states that the envelope(s) bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerns an action against the addressee.

"John Doe" is described a white male, approximately 50-55 years of age, 200-210 lbs., 6'0"-6'1" tall, with grey hair, a moustache and glasses.

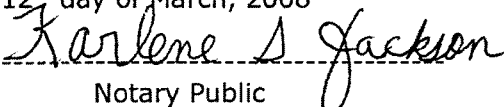
On the following dates and times, deponent attempted to serve the aforementioned documents upon Richard Basciano with the following results:

March 4, 2008 at approximately 8:05 p.m.  
March 5, 2008 at approximately 8:28 a.m.  
March 5, 2008 at approximately 1:15 p.m.  
March 6, 2008 at approximately 6:40 p.m.

At the time of each attempt, deponent was refused access by building security to the residence on the 7<sup>th</sup> floor and was directed to the offices of Mr. Basciano.

  
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Shaun Jackson

Sworn to before me this  
12<sup>th</sup> day of March, 2008

  
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Notary Public

Karlene S. Jackson, Notary Public  
State of New York, #01JA5083169  
Qual. In Queens Cty, New York Cty  
Commission Expires November 17, 2009